



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 04-779

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON THE DOMINION VIRGINIA POWER'S REQUEST FOR WAIVER TO USE A PUBLIC SAFETY FREQUENCY IN THE 30-50 MHz BAND TO SUPPORT INTEROPERABILITY COMMUNICATIONS WITH PUBLIC SAFETY ENTITIES

Comment Date: April 5, 2004

Reply Comment Date: April 12, 2004

On October 6, 2003, Dominion Virginia Power (Dominion) filed a Request for Waiver (Waiver Request) seeking to operate a base station on 39.54 MHz, a frequency available under Section 90.20 of the Commission's Rules for public safety use.¹ Later, on March 10, 2004, Dominion supplemented its Waiver Request to include an additional base station and reduce the proposed transmitter power. In addition, it included a letter from the Virginia Department of State Police (Virginia State Police) supporting the proposed use of the frequency 39.54 MHz.²

Dominion proposes to use the subject frequency to coordinate with public safety entities, particularly the Virginia State Police, in times of emergencies at the two nuclear facilities it operates.³ It contends that such use would facilitate interoperability communications at nuclear facilities and thereby promote the safety of both utility and public safety personnel as well as the general public in the vicinity of the facilities.⁴ Specifically, Dominion states that in the event of a security problem at either its Surry County or Louisa County locations, it would be beneficial for plant security officers to be able to communicate directly with law enforcement personnel. In this regard, the *Letter* points out that the frequency requested is part of the Statewide Interdepartmental Radio System (SIRS) in Virginia and is used by the Virginia State Police.⁵

Interested parties may file comments on the Waiver Request on or before April 5, 2004. Parties interested in submitting reply comments must do so on or before April 12, 2004. All comments should

¹ See 47 C.F.R. § 90.20.

² See Letter from the Commonwealth of Virginia, Department of State Police, dated March 8, 2004 (*Letter*).

³ See Waiver Request at 1.

⁴ *Id.* at 2.

⁵ *Letter* at 1.

reference the subject request including the DA number of this Public Notice, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., TW-325, Washington, D.C. 20554.⁶ A copy of each filing also should be sent to: (1) Qualex International, Inc., Portals II, 445 Twelfth Street, S.W., Room CY-B402, Washington, D.C. 20554; (2) Maria Ringold, Federal Communications Commission, Consumer and Governmental Affairs Bureau, Reference Information Center (RIC), 445 Twelfth Street, S.W., Room CY-B529, Washington, D.C. 20554; and (3) Greg Guice, Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Critical Infrastructure Division, 445 Twelfth Street, S.W., Room 6-A232, Washington, D.C. 20554.

The Waiver Request and responsive comments and reply comments will be available for inspection and duplication during regular business hours in the Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 Twelfth Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be obtained from the Commission's duplicating contractor, Qualex International, Inc., Portals II, 445 Twelfth Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893, facsimile (202) 863-2898, or via e-mail qualexint@aol.com. For further information regarding the public reference file for this request, contact Maria Ringold, RIC, (202) 418-1355.

Because of the policy implications and potential impact of this proceeding on persons not parties to this request, we believe it would be in the public interest to treat this matter as a permit-but-disclose proceeding under the *ex parte* rules, *see* Sections 1.1200(a) and 1.1206 of the Commission's Rules, 47 C.F.R. §§ 1.1200(a), 1.1206, rather than a restricted proceeding under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Therefore, any *ex parte* presentations that are made with respect to the issues involved in the subject request, subsequent to the release of this Public Notice, will be allowed but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

FOR FURTHER INFORMATION CONTACT Greg Guice, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau at (202) 418-0095, TTY (202) 418-7233 or via email to greg.guice@fcc.gov.

Action by the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

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⁶ The address for FCC filings should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).